



Wisconsin State Senate
John Lehman
Senator – 21st District

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Testimony of Senator John Lehman

Senate Bill 191

Senate Health, Health Insurance, Privacy, Property Tax Relief and Revenue Committee
August 18, 2009

Thank you, Senator Erpenbach and committee members for the opportunity to testify in support of Senate Bill 191, legislation I co-authored with Representative Barca to update statutory references regarding doctors of podiatric medicine.

Over the years a number of changes have been made to statutes relating to the practice and provision of health care service in Wisconsin. By referencing only doctors of medicines or MDs these statutory changes had the effect of excluding other providers who could also render these services or be worthy of certain protections.

Specifically, SB 191 would update our laws to allow doctors of podiatric medicines (DPMs) to:

- Enjoy good Samaritan immunities like those for physicians, first responders and dentists;
- Protect patient confidentiality by allowing a patient to prevent disclosure of communications regarding their diagnosis or treatment by DPMs as they can with other providers like physicians, chiropractors and psychologists;
- Contract with cooperative associations like physicians, chiropractors, optometrists and dentists;
- Diagnose injuries for Department of Veterans Affairs patients, issue physically fit certificates for driving instructors and identify physical disability for special hunting permits as other providers are authorized to do;
- Certify a disability (within the scope their expertise) for insurance purposes;
- Allow a medical assistance patient to choose a DPM as a treatment provider unless DHS limits the choice.

In addition SB 191 changes the name of the Podiatrists Affiliated Credentialing Board to the Podiatry Affiliated Credentialing Board.

Doctors of Podiatric Medicine are highly trained medical professionals who have completed three or four years of undergraduate study, a four year academic degree program and a minimum two years of postgraduate training or residency before applying for a license to practice in Wisconsin. In addition, practicing podiatrists must take 50 hours of continuing education every two years to maintain their license.

It is important to note that SB 191 does not in any way change the definition of podiatry or podiatric medicine and surgery or expand the scope of practice for doctors of podiatric medicine.

Senate Bill 191 does – based on the training and expertise of doctors of podiatric medicine – allow them to provide services they are qualified to perform and extend to them statutory protections enjoyed by many other health care providers.

I hope SB 191 will have your support.



August 18, 2009

Senate Committee on Health, Health Insurance,
Privacy, Property Tax Relief, and Revenue

Senate Bill 191

Representative Peter Barca

Chairman Erpenbach and members of the Senate Committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue, thank you for holding a public hearing on Senate Bill 191, which updates the name of the Podiatrists Affiliated Credentialing Board and makes a number of small statutory changes to expressly outline the role of podiatrist under state law.

It is important to note right up front that this proposal does not impact or make any changes to Wisconsin Statute 448.60 (4) which defines the scope of practice for podiatrists. Doctors of Podiatric Medicine are governed by this statute and limited to providing healthcare within their area of training and expertise. The legal modifications made in this proposal are all made with the understanding that they only apply to podiatrists within their limited scope of practice. Legislative Council Attorney Richard Sweet has authored a memo which explains this distinction further.

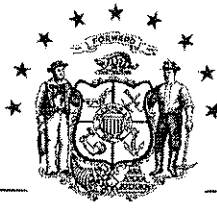
I was first approached to become an author of this proposal by a constituent, Dr. Michael Thompson, who has been a highly respected podiatrist in Kenosha and Racine for many years. I made the decision to author this bill after Dr. Thompson explained to me the need to update the statutes in order to better clarify the role of podiatrists under our laws.

This bill changes the name of the Podiatrists Affiliated Credentialing Board to the Podiatry Affiliated Credentialing Board, and makes a number of statutory modifications to enumerate podiatrists in several areas of the law to expressly grant certain privileges. In some cases these are areas of law where there had been confusion as to whether or not podiatrists had these rights because Doctors of Podiatric Medicine are treated differently than Medical Doctors or physicians under the law.

These modifications include granting "Good Samaritan" immunity to podiatrists for healthcare rendered at an athletic event or contest at a school, extending patient confidentiality rights to podiatry patients, allowing cooperative associations to contract with podiatrists for healthcare, allowing podiatrists to diagnose an injury for the purpose of veteran assistance for the Department of Veterans Affairs, allowing podiatrists to certify for Department of Transportation purposes that a driving instructor is physically fit to teach, allowing podiatrists to certify that an individual as physically disabled for the purpose of obtaining a specialized hunting permit from the Department of Natural Resources, granting podiatrists the ability to certify a disability for insurance purposes, and granting medical assistance clients the ability to choose podiatrists as a healthcare provider.

I believe that these are modifications that should be made in order to fairly treat podiatrists among other healthcare professions such as chiropractors, optometrists, dentists, audiologists, and first responders in these various areas of the law. Including podiatrists in these areas can improve access to healthcare within this specialized field and reduce costs for healthcare consumers while maintaining quality services.

Thank you for your time today and I hope that I can count on your support when Senate Bill 191 comes for a vote before this committee.



TED ZIGMUNT

STATE REPRESENTATIVE

August 18, 2009

To: Senate Committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue
RE: Testimony for SB 191

Passage of SB 191 is critical to Wisconsin's public health.

Podiatrists are highly trained medical professionals who have completed three or four years of undergraduate study, a four year academic degree program, and a minimum two years of postgraduate training or residency before applying for a license to practice in Wisconsin. Practicing podiatrists must take 50 hours of continuing education every two years to maintain their license.

Podiatrists treat a number of common and potentially serious afflictions: Arthritis, Bursitis, Diabetes (if foot conditions caused by diabetes are not promptly and properly treated by a podiatrist, it could lead to amputation), Gout, Tendonitis, Ulceration and many more. This is why adding doctors of podiatric medicine to the list of health care providers in a number of our state statutes relating to the practice of health care and patient protection, is so important. AB 273 accomplishes this.

This bill will protect patients and lead to better and more accessible treatment for them. Here are a few important examples:

- Protect the confidentiality of patients of doctors of podiatric medicine in the same manner it is for patients of physicians, chiropractors and psychologists.
- Allow cooperative associations to contract with doctors of podiatric medicine, as they are currently allowed to with physicians, chiropractors, optometrists and dentists.
- Allow doctors of podiatric medicine to diagnose injuries for Department of Veterans Affairs patients and identify physical disability for special hunting permits as other providers are authorized to do.
- Allow a medical assistance patient to choose a doctor of podiatric medicine as a provider for treatment unless DHS limits the choice.

Please vote in favor of SB 191.

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Wisconsin Society of Podiatric Medicine, Inc.

August 18, 2009

Members of the Senate Committee on Health, Health Insurance
State Capitol
Madison, WI 53707

RE: SB-191 Statutory Updates Related to Podiatry

Dear Senators:

The Wisconsin Society of Podiatric Medicine is writing to voice its strong support for the passage of SB-191. SB-191 is a "clean-up" bill that adds "podiatry" to various statutory sections where an express reference to podiatry was overlooked. SB-191 provides greater protections to the patient, encourages podiatrist to provide volunteer emergency healthcare services and creates health care efficiencies.

- How does SB-191 further protect patients?
 - SB-191 recognizes a patient's right to prevent a podiatrist from disclosing any communications regarding the patient's care.
 - SB-191 allows cooperative associations to contract with podiatrist for expert medical treatment regarding the foot, ankle and lower leg.
 - SB-191 allows a medical assistance client the ability to choose a podiatrist for specialized treatment.
- How does SB-191 create healthcare efficiencies and less hassle for the patient?
 - SB-191 allows a patient to utilize the services of a foot and ankle expert to not only treat the injury but to also certify the injury for different government agencies and insurance companies. This reduces time-consuming and costly trips to different health care providers for the same injury.
 - SB-191 allows a podiatrist to certify injuries in order for a patient to acquire a specialty hunting permit; issue a physically fit certificate for driving instructors; diagnose an injury for the Department of Veterans Affairs; and to certify an injury for insurance purposes. The podiatrist's certification would of course be limited to their specialized scope of practice as to the foot and ankle.

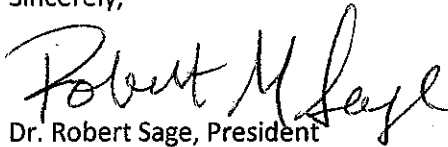
Lastly, this bill grants podiatrists Good Samaritan immunity while rendering voluntary health care services to a participant in an athletic event or contest at a school. With the numerous foot and ankle injuries that occur during athletic events, the inclusion of podiatrist care in this protection makes sound sense.

It is important to note that the Legislative Council has confirmed that SB-191 does not change the scope of a podiatrist's practice. The bill before you only expressly adds "podiatrists" to an existing statutory list of health care providers that is contained in each provision being amended.

member american podiatric medical association

Our statewide membership thanks you for your consideration of our comments.

Sincerely,

A handwritten signature in cursive script, reading "Robert M. Sage". The signature is written in dark ink and is positioned above the printed name.

Dr. Robert Sage, President

Wisconsin Society of Podiatric Medicine

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